

No. 8335-4Lab-74/29527.—In pursuance of the provisions of Section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Bharat Porcelain, Sonapat.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD.

Reference No. 168 of 1973

between

SHRI JAGDISH CHANDER TYAGI, WORKMAN AND THE MANAGEMENT OF M/S  
BHARAT PORCELAIN, SONEPAT.

Present :—

Nemo.— for the workman.

Shri S. N. Goel, Partner,— for the management.

#### AWARD

The following dispute between the management of M/s Bharat Porcelain, Sonapat and its workman Shri Jagdish Chander Tyagi was referred for adjudication to this Tribunal by order No. ID/RK/50-C-73/39137, dated 20th September, 1973 of the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Dispute Act, 1947.

Whether the retrenchment of Shri Jagdish Chander Tyagi is justified and in order ?  
If not, to what relief is he entitled ?

On receipt of the order of reference, usual notices were given to the parties. The workman concerned has not filed any statement of claim. On the other hand, the management has pleaded that due to financial losses and shortage of power the factory had to be closed and the workman had to be brought under retrenchment.

The workman concerned has since elected not to appear in person or through authorised representative to pursue his claim, the case has been proceeded *ex-parte* against him. Shri S. N. Goel Partner of the company has made his own statement on oath to support the above contention regarding the closure of the factory. According to him, the factory had to be closed in July, 1973 because of financial losses and shortage of power and it has not been re-stated. In fact, it has been leased out to a private limited company known as Porcelain and Static Private Limited, Sonapat with which the present management has no concern. He has further deposed that to start with the Supervisory staff including Sarvshri Rameshwer Singh and Jagdish Singh Tyagi (the present workman) was brought under retrenchment and subsequently the services of all the workmen had to be retrenched and they had accepted the retrenchment compensation without any protest. With regard to the retrenchment compensation payable to the present workman it has been stated that he did not collect it in spite of the notice issued to him. Shri Goel has further brought on record copies of the retrenchment notice, intimation sent to the authorities concerned, the seniority list of the workers Exhibit M-1 to Exhibit M-4. In answer to the Court Question he has stated that Shri Jagdish Chander Tyagi the present workman had joined service on 8th January, 1968 and was drawing Rs. 155 at the time of his retrenchment on 1st December, 1972. The total amount of dues payable to him comes to Rs. 387.50 service compensation, Rs. 155/- notice pay for one month, earned wages for November, 1972 Rs. 139/-, and leave wages Rs. 97.93, in all Rs. 779.03 which it has been stated, can be collected by him on any day.

So, taking into consideration, the facts brought on record as discussed above, I do not find anything wrong with the retrenchment of the services of the workman concerned which had to be brought about for reasons beyond the control of the management due to financial losses and shortage of power. The factory has not been re-started, it has rather been leased out to some other private company with which the present management has no concern. The retrenchment of the workman was brought about gradually. The start with, the supervisory staff including the present workman had to be retrenched and since the conditions did not improve the factory had to be closed altogether and the services of all the workmen had to be retrenched. The rest of the workmen had received retrenchment compensation without protest Shri Jagdish Chander Tyagi, the present workman did not come forward to collect the amount due to him in spite of notice. The management had given the retrenchment notice to the workman concerned and also to the authorities concerned as required by law. I see no reason whatever to disbelieve the statement on oath made by the partner Shri S. N. Goel in this behalf especially when the workman concerned is not coming forward to pursue his claim.

For the reasons aforesaid, the issue involved is decided in favour of the management and against the workman and the retrenchment of his services is held to be justified and in order. The award is made accordingly. The workman would be at liberty to collect the retrenchment compensation and other dues amounting to Rs. 779.03 from the management on any day according to the convenience of the parties. In the circumstances, there shall be no order as to costs.

Dated the 22nd August, 1974.

O. P. SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 804, dated the 3rd September, 1974.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 22nd August, 1974.

O. P. SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

The 13th September, 1974

No. 8398-4 Lab-74/29535.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947, (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court Rohtak in respect of the dispute between the workmen and the management of M/s East Punjab Manufacturing Company, Anand Bhawan, Hissar.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference of 37 of 1974

between

SHRI MARDAN ALI AND THE MANAGEMENT M/S EAST PUNJAB MANUFACTURING COMPANY, ANAND BHAWAN, HISSAR.

*Present*

Shri Tek Chand for the workman.

Shri Anand Parkash Bhargava for the management.

#### AWARD

By order No. ID/HSR/122-A-73/16595, dated 14th June, 1974 of the Governor of Haryana, the following dispute between the management of M/s East Punjab Manufacturing Company, Anand Bhawan, Hissar and its workman Shri Mardan Ali was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Mardan Ali was justified and in order? If not, to what relief is he entitled?

Usual notices were given to the parties who have arrived at an amicable settlement. Their statements have been recorded. It has been agreed that the management shall pay Rs. 1,200 to the workman within 15 days, in full and final settlement of his entire claims, excluding bonus, and he has given up his right of reinstatement or re-employment. The award is made accordingly in terms of the above settlement. No order as to costs.

Dated 4th September, 1974

O. P. SHARMA,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 2300, dated the 9th September 1974

Forwarded (for copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

S. N. BHANOT Commissioner & Secy.